

The EU Observation mission to the 2001 Zambian general elections: Election observation as the construction of narratives.

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This is a first version. The use of English language still needs editing. It does not yet contain references to the wider literature on election observation. It is meant in the first place for discussion. Comments welcome on 1aj2jk@bart.nl

Abstract

International and local observers did not approve of the Zambian general elections of December 2001. There were serious administrative problems in this election, but none of the reports make convincingly clear that this materially affected the outcome. Neither is any evidence of manipulation in these problems, as distinct from suggestions, with the intention to influence the outcome. This paper analyses the reporting of the EU observer mission. This is only one of several missions, but it brings out the critical issues involved best as the fiercest controversy was around this mission. Their reporting was ostensibly neutral, but was in fact deeply enmeshed in the local political arena. They ignored arguments that were sympathetic to recognising the validity of the election; the behaviour of the opposition was left out of consideration and there is no critical reflection on their own role. In fact, their work was characterised by extreme self-righteousness. Most notably, they did not have any sensitivity that their work might encroach on the competence of local institutions and thus on the sovereignty of Zambia

Donors have since independence played a part in African politics: Tanzania's socialist experiment was for example strongly backed by Scandinavian countries and the infamous role of economic aid in propping up the regime of Sese Seko Mobuto is another example. Such involvement is nowadays disapproved of. In the first place because of economic probity, but –more importantly- concerns about African politics have shifted in the past decade to human rights and democracy. The boom in election monitoring by donors, international organisations and local organisations sponsored by donors is evidence of that. These interventions are legitimised in quasi-judicial terms: the question is whether international standards are adhered to. It is not the intention of this paper to question the value of these concerns: it is of course sensible for the international community to look critically whether governments deserve respect. African countries are also dependent upon aid flows from the developed world and this provides an additional argument to see whether these do not go to governments ignoring standards of decent government.

It is also sensible that such concerns are phrased in impartial terms, as otherwise there would be a licence for arbitrary political interference. In practice, a judgement on an election involves however much more interpretation than such quasi-judicial statements as a free and fair election assume and as a result these observation missions interact with the local political arena. This may be unavoidable, but as this paper will argue in the case of the Zambian general elections of 27th December 2001 it does not imply that donors should not beware of encroaching on local sovereignty .¹

Electoral observers brought in the country by international actors as well as local organisations sponsored by them, played a significant role in the Zambian elections of December 2001. This led to a series of negative judgements about the elections. The two major international observer missions had no direct evidence of fraud they did not consider the elections legitimate:

“The Center concludes that the election results are not credible and cannot be verified accurately reflecting the will of Zambian voters. Unless and until the ECZ provides clear evidence to dispel doubts about the accuracy of the official results, the Center believes the legitimacy of the entire electoral process will remain open to question” (Final Statement on the Zambia 2001 elections, Carter Center 7/3/02)

“In view of the administrative failures on polling day, the serious flaws in counting and tabulation, together with the close outcome of the elections, we are not confident that the declared results represent the wishes of the Zambian electors on polling day.” (Final Statement on the Zambian Elections 2001, European Union Election Observation Mission, 5/2/02)

Local monitoring groups were speculating more freely on fraud and were more dismissive:

¹ The Zambian experience in 1996 illustrates that. The donor community refused to send observer missions because a clause in the constitution eliminated ex-president Kenneth Kaunda from competition. That could rightly be seen as an infringement of human rights. This concern conflicted however with the doctrine of parliamentary sovereignty as parliament had endorsed the constitutional amendment. The donors' stance supported in fact Kaunda, who boycotted the election. This call for a boycott was however hardly responded to and the incumbent party and president: Frederic Chiluba and the Movement for Multi-Party Democracy (MMD) won a landslide victory. The fact that they are players in the local arena does therefore not automatically imply that they have decisive influence. Jan Kees van Donge, 'Reflections on donors, opposition and popular will in the 1996 Zambian general elections', *The Journal of Modern African Studies*, (36,1) 1998 pp. 71-99.

“Therefore it is very difficult for any serious and reasonable individual or group of individuals to affirm that the December 2001 elections in Zambia were free and fair” (Executive summary of the preliminary report, Coalition 2000, February 2002)

“The Whole period has been characterised by suspicions, intimidations, apprehensions and insecurity, all of which are a threat to the democratic governance of the nation”(Non-Governmental Organisation Co-ordinating Committee, Press release 13/1/02)

“It was our view that although the elections were “incident free” they could not be certified as free and fair” (Preliminary report of the Ecumenical Observer Team, Christian Council of Zambia 27/12/01)

Opposition leaders were quick to declare the elections to be rigged and petitioned the Zambian Supreme Court to nullify the elections and. Judgements by observers therefore quickly became arguments in local political struggles. It is thus neither surprising that the new Zambian President –Levy Mwanawasa- attacked observer missions in his inauguration. He also considered rejection of the decision by the Chief Justice to declare him president as seditious. In the meantime there is a general accommodation to the new situation: the International Financial Institutions were the first wishing to do business with the new President; opposition parties are in discussion with the new President and the donor community is quiet. Once again, the donor influence through observer missions appears not to be particularly influential.

Nevertheless, there is reason to reconsider this episode critically. There was serious disquiet about their role as Mwanawasa’s outburst during his inauguration shows. Donor involvement in Zambian politics as well as election observation had been already critically commented upon before the elections by Frederick Chiluba, the retiring President as well as by Judge Bobby Bwalya, the chairman of the Electoral Commission of Zambia. This had an added significance in the light of the problems surrounding the then imminent Zimbabwean election where there was –unlike in the Zambian case- genuine reason for concern. Chiluba even went as far as to sympathise with Mugabe’s defiance of donors. Despite serious disquiet about their role, donors did not entertain the question of their legitimacy. Their statements commence with their being invited by the Zambian government and that is their legitimisation.

This may however overlook significant issues. In this article, I will argue that there are significant grounds for the observer missions to look critically at their performance. The most serious concern is their unawareness of encroaching on the competence of institutions in the host countries and thus on sovereignty. Apart from that: They tend not to take on board arguments made by government sources. There were for example, as will be argued, good reasons for Mwanawasa to be angry with the EU observer mission at his inauguration. That same incident gives also significant reasons to criticise the opposition. The role of the opposition is not a concern for comment in observer’s reports. The quality of their observations is also a reason for concern. The presence of observers resulted in few systematic and precise insights in what happened in these elections. This, despite the fact that there were a massive number of observers. For example: the EU mission consisted of six long term observers, eighty six short term observers, the Carter Center had five long term observers and thirty short term ones. Local monitoring organisations had even more people in the field: the Foundation for Democratic Process (FODEP) deployed for

example 6,247 monitors.² In fact, the EU and Carter Centre missions turned the tables in their final reporting: they did not question the outcome of the elections on what they had seen, but asked the Electoral Commission to provide the evidence to explain anomalies in the final tabulation. The consequence of the loose and selective way in which evidence is treated in election observation is a liberty for the construction of narratives that then can play significant roles in local politics.

In fact, the Electoral Commission of Zambia (ECZ) is the main target of criticism. *That criticism was often justified and this paper does not want to deny problems of maladministration in these elections.* However, attacks on the Electoral Commission and by implication the Chief Justice as principal returning officer in presidential elections can easily turn into encroaching on the sovereignty. These attacks on ECZ were therefore potentially damaging to the political system as they undermined the position of arbiters. Electoral Commissions in Africa work in an environment where opposition parties tend to reject election results as a matter of course. If crucial institutions lose respect then a power vacuum may emerge with significant consequences. There is no evidence in observer's reports that possible consequences of undermining the authority of the arbiter have been taken into consideration.

The role of ECZ was particularly important in this election as the election took place in an unprecedented pattern of party formation. History gave therefore no clue in predicting the outcome and it was a tight race between the two main contenders for presidency. The more uncertain an election outcome is, the more there is temptation to contend the outcome and that made the position of ECZ particularly precarious. The judiciary as the final arbiter was then in the difficult position whether to accept an election with demonstrable serious administrative flaws or risk political turmoil.

In the following pages the political environment of the elections and the election results will first be sketched.³ It will thereafter be argued that the political formation at the time of elections was unprecedented, but the actual outcome is understandable and not obviously anomalous. Thereafter the role of election observation will be discussed. Attention will be focused on the EU observer mission. That was the most contentious one and –probably because of this- their final statement is very carefully worded and closely argued. Concentrating on their report avoids thus the more speculative and sweeping statements. It has to be stated clearly that not all issues will be discussed here. Where relevant, other reports and issues outside the main line of

² I do not have a complete overview of all monitors accredited to the Electoral Commission of Zambia. While observing elections in Kabwe I came across several monitoring efforts that have not been heard of. International Observers present in Kabwe were: EU, Carter center, SADC parliamentarians, SADC electoral commissions, Zimbabwe Commission for the Justice of the Peace, the Embassy of the United States. In every polling station that I visited there was one representant from FODEP and two from Coalition 2000, Zambian NGOs. Apart from that there were polling agents from all competing political parties, which were funded by the EU through FODEP. Kabwe may have been a popular destination as it is out of Lusaka, yet easily reachable. However there were other monitors whom I did not meet, for example the Ecumenical Observer Team (Council of Churches in Zambia), which had five international and 55 local monitors in the field.

³ I will only write here for clarity's sake only about the presidential elections. Three elections were held in Zambia at the same time on 27/12/01: presidential, parliamentary and local government elections. I have no information about the outcome of the local government elections. It may be clarifying to note that MMD, the party of the winner of the presidential election, did not get a majority of seats in parliament. The results were MMD, 69; UPND, 49; UNIP, 13; FDD, 12; HP 4; ZRP 1, PF, 1, Indep.1. The total number of elected MPs is 150

argument will be referred to in footnotes. As mentioned above, observation in this election was a huge enterprise that cannot be covered in one article.

The uncertain political landscape.

Since Zambia rejected in 1991 the one party state, the Movement for Multiparty Democracy (MMD) had been the dominant party for a whole decade. It drew support from the whole country and opposition leaders only found support in their home areas and this was not necessarily massive. The popularity of Frederick Chiluba was evident in presidential elections. Chiluba destroyed these achievements in the run up to the elections through a bid to serve a third term as a president. The Zambian constitution limits the number of terms per candidate to two. In 1996 MMD had campaigned as the party who kept its promises in this regard as distinct from Kenneth Kaunda who wanted to become president again after having been in that position for twenty seven years. The succession of Chiluba was thus from the major issue in the campaign. Chiluba suppressed competition in MMD and declared that he would propose the successor to the party. He pointed to the precedent of the succession of Nelson Mandela by Thabo Mbeki as an example of this procedure. This obviously frustrated ambitions within MMD and those of Benjamin Mwila could not be contained. He declared himself an MMD candidate for the presidency in August 2000. Mwila is rich, said to be a major financier of MMD. He has been seen as close to the heart of power in MMD. He has served for many years minister of defence, a key position in the power structure. He originates from Luapula province, the area with which Chiluba identifies himself as well. Chiluba referred to Mwila as his uncle. Mwila's move was however unacceptable to the party leadership: he was free to stand as a presidential candidate but not on an MMD ticket. Suddenly he was under investigation as well about a number of army uniforms that he was said to have sold to the Angolan rebel movement UNITA. He did however not withdraw his candidacy and was kicked out of MMD. Mwila started his own party, the Zambian Revolutionary Party (ZRP) and stood as a presidential candidate for that party.

MMD started to organise provincial conventions in the beginning of 2001 in order to select delegates to the national convention where a presidential MMD candidate was to be elected or endorsed. This process turned however into a campaign to let Chiluba stand for a third term. This was for many Zambians shocking as it went against everything that had brought MMD to power. Rotation of office had been a central value when MMD came to power and –as said above- in the 1996 election they had campaigned heavily as the party who kept its promises insisting on a limit of two terms for the presidency. The bid for Chiluba's third term required selection as national MMD candidate in the party convention and then a big majority in parliament to change the constitution. Conflicts between grass roots and leadership over candidate selection were endemic in MMD, but the leadership led by Michael Sata, MMD's national secretary and Paul Tembo⁴, his deputy resorted to particularly heavy handed methods reminiscent of the United National Independence Party during and after one party days. Chiluba in the meantime changed his stance on the issue:

⁴ Paul Tembo was murdered not long afterwards, in July 2001. He was then under investigation for channelling two billion Zambia kwacha of government money to the MMD national convention. He had by then also switched parties and become a member of the FDD. Suggestions of political assassination in this case –among others made by Kenneth Kaunda- have not been founded on evidence. His house was burgled and the burglars killed him.

whereas he used to deny any suggestion that he wanted a third term, he now said that he would consider it, if he would be asked by the people to do so. A massive grass roots movement –showing its protest by wearing ribbons and hooting cars at five o' clock- emerged in protest against this bid for a third term. Sata managed to manipulate provincial conventions, but it appeared more difficult to bring members of parliament and even cabinet ministers in line. One reason was that the third term bid thwarted other ambitions for the presidency. A second reason was that for many MPs a third term bid would have meant defeat in their constituencies. Zambian political culture appeared once more to be democratic: it is not easy to be a dictator in Zambia. Nevertheless, Sata and his allies went ahead with the convention and selected Chiluba for a third term as party president. Again, the methods were heavy handed and many opponents including a good part of the Cabinet left the meeting. This meant that the bid for a third term became elusive: changes in the constitution require a two-third majority and the hard-handed methods of the party convention did not work in parliament. Unless Chiluba would suspend the constitution, he had therefore no choice but to give up his bid. Chiluba was defeated. He put, however, a brave face to it by talking about “taking a leaf from the book of Nyerere” who had resigned as president of the Tanzanian republic but stayed on as party president. The power of Chiluba in the party was thus not broken.

That was evident in the months following the convention. Those who had opposed the bid for a third term considered themselves still members of MMD and thought that the control of the party was wrought from their hands by a self serving small clique. They saw a parliamentary procedure for impeachment of Chiluba as the logical way to break his power. The loyalist wing of MMD on the contrary considered them as having left the party and therefore forfeited their seat in parliament. This departure from the MMD became a stronger argument when a new party appeared to the formed, called Forum for Democracy and Development (FDD). FDD suffered from earlier splits from MMD in that it was a party comprised of many aspiring presidents. The contest for presidential candidate was won by Christon Tembo in an acrimonious atmosphere.⁵ They managed however to avoid a split after the elections. However, one of the major politicians who had opposed the third term had not gone along in FDD. Godfrey Miyanda, a founding member of MMD, started his own party, the Heritage Party (HP).

MMD seemed to be badly damaged: a large part of their leadership had left the party and they still had no presidential candidate. As said above, the original idea was that Chiluba would present one candidate as his successor to the party, but that did not happen. Elections were held within the National Executive Committee and it appeared that the party was divided. The results were: Levy Mwanawasa 30, Enoch Kavindele 25, Eric Silwamba 19, Michael Sata 18, Emmanuel Kasonde 10, Chitalu Sampa 9. The last three were eliminated in a second round that produced Levy Mwanawasa as a winner. That was a surprise, because Mwanawasa had been a founder member of MMD who had been vice president of the Republic. He left that position out of frustration: the position did not carry the necessary influence, there was too much corruption in the party and he accused dark forces of causing a near fatal car accident.

⁵ There were six candidates: Christon Tembo, Vincent Malambo, Boniface Kawimbe, Mashimba Masheke, Austin Chewa en Eddy Phiri. The latter two were probably MMD plants out to create confusion. The first three had all been MMD cabinet ministers. The top contenders got the following votes: Tembo 972; Malambo 351; Chewa 155

He also had in the 1995 party convention the temerity to stand opposite Chiluba for the party presidency, which he lost bitterly. Mwanawasa had after his resignation and defeat retired to private practice as a lawyer, but remained member of MMD. MMD presented therefore a Mr. Clean as candidate. Mwanawasa is an intellectual, which was significant for two reasons. Firstly, most intellectuals had left MMD for FDD. Secondly, Chiluba was of the opinion that the next Zambian President needed to be an intellectual, preferably an economist. Mwanawasa's background was mainly urban, he had mixed parentage, Lamba, the original inhabitants of the Copperbelt, and Soli, a group that belongs to the Tonga related peoples in Southern Zambia. The main rival for MMD was a newly established party, the United Party for National Development, UPND. The leader of that party Anderson Mazoka was Tonga and Mwanawasa could therefore potentially appeal to his ethnic base. It seemed that MMD had recovered. Chiluba certainly was reasserting his moral pretensions: by allowing competition instead of him proposing a single candidate, he had positioned himself above the parties. A split seemed to have been avoided despite strong factions for loosing candidates. Mwanawasa was also said not to be the first choice of Chiluba and it raises his democratic credentials that he had allowed himself to be overruled.⁶ It came therefore as a surprise that after the selection of Mwanawasa, there was a split after all. Michael Sata who had organised and led the campaign for a third term announced himself as a presidential candidate for a party called Patriotic Front.

While the MMD seemed to disintegrate, a rival political party emerged that seemed more threatening than any other rival before. Anderson Mazoka, a director of Anglo American Central Africa, had already in 1999 made his intention clear to become a presidential candidate. He stood therefore for office in the Bauleni branch of MMD in Lusaka. The central leadership of MMD deposed him however. It is a familiar ploy in Zambian politics to make the life for political rivals difficult by undermining his financial base. Mazoka was after his expulsion harassed therefore by the tax office. Mazoka is a self confessed freemason and Chiluba attacked him by suggesting that they had vampire practices. Vampire beliefs are common in Africa. Nevertheless, Mazoka continued his campaign. He resigned amicably from Anglo-American and founded the United Party for National Development (UPND). UPND appeared quickly to be strong in the Southern Province, from where Mazoka originates. The party also appeared to take over the power base of the National Party in North-Western Province. His campaign appeared to be well financed and Mazoka was an extremely active campaigner attacking vigorously the track record of Chiluba and MMD. He introduced early on the idea to hold Chiluba and other leaders accountable after winning the elections. Chiluba and colleagues had stolen according to Mazoka large amounts from the proceeds from mining, especially from cobalt. That accusation was especially serious as Mazoka had a high function in the mining industry. UPND attracted no big names from MMD and could present itself therefore as a genuine alternative.

On the eve of the elections, the Zambian political landscape was thus confusing. MMD had fragmented. Five presidential candidates and their followers had their background in MMD: Levy Mwanawasa (MMD), Benjamin Mwila (ZRP), Christon

⁶ Chiluba's preference was said to be for Emmanuel Kasonde as the next president needed in the first place economic skills to deal with the international financial institutions. It was however unwise to go into the election with a Bemba candidate as there was a strong mood in the country that another of the linguistic regions in Zambia should get a turn.

Tembo (FDD), Godfrey Miyanda (HP) and Michael Sata (PF). UPND was obviously a bigger threat to MMD hegemony than the party had up till now to contend with, but it was difficult to estimate its impact, as it was a new party. The United National Independence Party (UNIP) had been the major opposition party after multipartyism was introduced, but it seemed to be wrecked by continuous heavy handed fights for control over the party by the Kaunda family. They had ultimately won and Tilyeni Kaunda was their candidate There were four more presidential candidates whose importance was slight from the very beginning of their campaigns. (31% in 1996 and 24% in 1991)

The surprising, but understandable, outcome of the vote.

Not only was the outcome uncertain, but there were also good reasons to expect a lacklustre voting day. The campaign meetings of the political parties drew little attention. Many people seemed up to the eve of the elections to be undecided. There had been little interest in registration, albeit that the number of voters registered did not compare badly with the number in previous elections. Voting day turned out however differently: turnout of registered voters was quite high (66.7%). More people voted in absolute numbers than in the previous elections. (1.8 million as compared to 1.3 million in 1991 as well as 1996). This comparison does not take the increase in the potential voting population as new voters become eligible into account, but a general expectation of indifference appeared not to be justified. Indeed, voting was taken very seriously as was obvious in the willingness to queue for long times evident throughout the country. When the results came in, it appeared to be a very tight race in which MMD and UPND were the frontrunners. However they did not scoop overwhelming majorities: their share of the vote hovered all the time around a quarter of the number of votes cast. It was thus clear that the combined opposition vote (71%) was much bigger than the vote for MMD, a major difference with previous elections. This time it was definitely true that a combination of opposition forces had a good chance to defeat MMD. There is however, a long history of failed attempts to combine opposition forces.⁷

Presidential election results in 2001 by candidate and province in % of total vote cast
(Ranking between brackets)

Province	Mazoka, UPND	.Mwanaw asa, MMD	Kaunda, UNIP	Tembo, FDD	Miyanda, HP	Others
Central	28.31 (2)	31.26 (1)	8.72 (5)	9.04 (4)	11.17(3)	11.5
Copperbelt	11.95 (3)	38.01 (1)	4.92 (7)	8.54 (4)	19.34 (2)	17.27
Eastern	4.21 (5)	16.19 (3)	35.8 (1)	28.27 (2)	6.72 (4)	8.81
Luapula	4.23 (5)	53.37 (1)	7.38 (4)	8.33 (3)	2.34 (7)	24.35
Lusaka	30.72 (1)	15.56 (3)	6.49 (5)	23.57 (2)	8.52 (4)	15.14
Northern	4.51 (6)	42.01 (1)	13.16 (2)	12.58 (3)	4.26 (8)	27.99
North-Western	48.22 (1)	32.25 (2)	3.87 (5)	5.74 (3)	4.39 (4)	5.53
Southern	70.93 (1)	14.85 (2)	1.89 (5)	4.41 (3)	2.18 (4)	5.73
Western	48.92 (1)	27.87 (2)	6.33 (4)	9.07 (3)	2.21 (5)	9.44
National	26.27 (2)	28.69 (1)	7.96 (4)	12.96 (3)	5.40 (5)	18.72

⁷ The last of these attempts was a plan to enter the elections with the intention to form a Government of National Unity, which MMD alleged was donor sponsored. However just like in previous attempts, it did not come to fruition. Parties are usually supportive of national fronts, provided their leader is the leader of the coalition as well. The runner up in this election, UPND, had held off all attempts at coalition formation before the elections. In doing that, they kept clear of accusations that participants in the wrongdoings of MMD had turned up in their party again.

MMD share votes cast (%) in three multi-party presidential elections				
	MMD	non-MMD	MMD	Non-MMD
1991	75.21	24.79	77.16	22.84
1996	68.96	31.04	62.54	37.46
2001	28.96	71.04	27.48	72.52

There was also a widespread expectation that MMD would not do well. Chiluba had harmed the party by his bid for a third term and Mwanawasa seemed to be a dark horse. He was seen as beholden to the party leadership for his selection. He was a poor debater as his speech had been impaired by his car accident. Indeed he was said to be a cabbage. This image seemed not to be helped by his defence in a televised interview that he considered himself more of a steak. He also appeared to be at least a sympathiser of the Jehovah Witness faith, which has a long and difficult relation to politics in Zambia.⁸ Mwanawasa was supported by members of the legal profession testifying for his mental abilities –which were actually said to be superior in comparison to his colleagues. The accusations became bitter when Kenneth Kaunda entered the political arena again which he was said to have left. He considered Mwanawasa not suitable in a possible coalition government because of the damage to his mental abilities done by the car accident. Mwanawasa retorted by calling Kaunda senile; he referred to the times Kaunda had turned to Mwanawasa for legal assistance and mentioned some unpaid bills. That was the only time that Mwanawasa resorted to negative politics. In general he avoided personality issues in his campaign. This campaign did not excel in programmatic issues either. Mwanawasa made however neither political blunders, which is an achievement for a candidate who is suddenly thrown on the centre of the political scene.

MMD did better than many people expected, but it did not do particularly well. Although it had more support throughout the country than other parties, it had become much more a regional party than before. It was the biggest party in the Bemba speaking provinces, Copperbelt, Luapula and Northern, as well in the Central province. In the latter its strength was however concentrated in Mkushi and Serenje, the Bemba speaking Northern districts. The majorities there were much smaller than in 1996: the highest MMD majority was in this election as well as in 1996 obtained in Luapula, but it was significantly lower (54% as compared to 82%). The MMD vote was much more fragmented than before, especially in the Northern province. Mwanawasa cannot be identified as Bemba while the Copperbelt and Luapula were the heartland of support for Chiluba. To a considerable extent it could thus be said that Chiluba won these elections, despite his highly unpopular move to make a bid for a third term.

⁸ The history of the Jehovah's witnesses in Zambia since independence is important, but has still to be written. Witnesses defied government authority immediately after independence. Most notably, they refused to salute the flag and sing the national anthem. They were not actively resisting government. Nevertheless, they were prosecuted in the first decade after independence, especially by the Youth Brigade of the then ruling UNIP. An accommodation with UNIP arose after the introduction of one partyism. Since the liberalisation of 1991 Jehovah's Witnesses come much more in the open and the belief spreads more widely in society, also in elite circles. That made it not less surprising to have a Witness as a presidential candidate.

This continued support can be explained in a facile way by pointing at the resources available to the incumbent, especially as the government controls such a large part of the media. That was especially apparent in the struggle for conflict over television⁹ on election eve. The European Union had then hired TV space for a final debate among all presidential candidates. The Zambian Broadcasting Corporation abrogated however unilaterally this contract. The EU turned then to the courts and there the validity of their contract with ZBC was affirmed. Nevertheless government refused and on election eve there was a long interview with the retiring president Frederick Chiluba who used the opportunity to campaign shamelessly for his party and Mwanawasa. If one considers this merely as shameless use of political privilege, one may overlook important elements in the support for Chiluba.

Firstly, it was an assertion of national sovereignty. As said above, it is a continuing theme of Chiluba that donors intervene in Zambian politics. One cannot deny that the Zambian economy is dependent upon donor support. In a political contest, it becomes thus important to state one's independent identity. Secondly, the significance of the ending of the interview has not been noted. Chiluba called on people to vote and said "We Zambians know how to vote, we vote already since 1963". This was a clear reference to the fact that the struggle for the vote was an essential part of the independence struggle. It was also an assertion of pride in Zambia's democratic heritage. Thirdly, he defended the last ten years of rule as one of economic and political liberalisation. Above all, he stressed as a major achievement that Zambia now has a middle class. Outsiders will not have caught the African understanding of what followed: "This makes it less likely that the shopkeeper's house is burnt down". It means that there is less jealousy and witchcraft. That is a very important and big claim to make for an African politician. Above all it is true: despite widespread poverty, there are many Zambians for whom the past ten years have been good. That provided a major reason to vote for MMD and explains how they kept on relatively well outside the heartland of support. For example: "We have had ten years of peace, where do we find that in the region."

While MMD did better than many expected, the reverse was true for UPND. Whereas many people expected a landslide for UPND, the end result was a neck to neck race with MMD, which UPND narrowly lost. UPND's leader Mazoka was a cosmopolitan, educated man: trained in the USA as a mechanical engineer and he occupied a top position in the most important multinational in the region: Anglo American. His campaign appeared to be well financed and their spots dominated the paid for political advertising in the media. In the campaign Mazoka systematically attacked the record of MMD: the country was impoverished and public services had deteriorated. Mazoka proposed to revitalise Zambian agriculture and industry as well as improving the quality and accessibility of health and education. The voting pattern revealed UPND to be however in the first place a sectionalist party: it was strong in Southern Province from where Mazoka originated. He got there a higher percentage of the vote (72%) than any of the other candidates got in the provinces where they ranked first. It did also reasonably well in Lusaka and Central provinces where there are also Tonga speaking or Tonga related groups. The party came first as well in Western Province and in North Western Province with respectable (48.92% and 48.22%) but not absolute majorities. This pattern was not surprising reflection after the election: There

⁹ This is a simplified version of the conflict. It has been described in more detail in point 11 of the 2nd Interim Statement of the European Union Election Observation Mission, 31st of December 2002.

was a widespread reasoning that the Bemba-speaking North had had a president (Chiluba) as well as the Nyanja speaking east (Kaunda) and now it was the turn of the Tonga speaking South. They were supported by the Western and North-Western provinces who felt similarly excluded. Mazoka failed however to convey a feeling of tribal balancing in his leadership. There were no prominent people from either Bemba- or Nyanja speaking areas around him. UPND got also very few votes in Bemba- and Nyanja speaking areas. Mazoka did not distance himself from sectionalist sentiment. He failed to do most markedly towards the Bantu Botatwe sectionalist cultural feeling that seeks to unite Tonga speaking groups. Therefore UPND was not so much seen as an alternative to MMD but as a threatening sectionalist movement. In fact, all the people surrounding him were lacking in stature and it was very much the party of a big man.

Mazoka lacked as well the charisma or moral qualities to bridge this sectionalist divide. He had spent the largest part of his career as general manager of Zambia Railways, which is not a recommendation given the record of performance. He promised increasing state intervention in economic life and free public services. That was in fact harking back to the Kaunda period and that is not a recommendation. There is also a realistic assessment among the Zambian population that government is short of money. However, Mazoka's biggest failure may have been that he portrayed the ten-year rule by MMD as a period of mere decline. That is the case in some areas and most notably the Southern Province, but there is also a large group of people who did well: the new middle class that Chiluba talked about on election eve. Also in case the last ten years were not particularly good, then these were not worse or even an improvement as compared with the last decade under Kaunda. Mazoka brought himself in difficulty by accusing the MMD government of mismanagement in the mining sector: Mazoka had been on the opposing side (Anglo-American) and had been remarkably quiet. Finally, Mazoka was humourless in a political culture where flamboyancy is appreciated.

The other opposition party that was expected to do well was FDD. This was a party full of relative heavyweights who had left MMD after the third term bid of Chiluba. FDD managed to get however far less votes (13%) than the frontrunners MMD and UPND. It also appeared to be a regional party that did only do well in the Eastern Province from where its leader originated. They were also second in Lusaka, which has a relatively large population originating from the East. FDD brought together also many intellectuals and that appeals well in the capital where one finds a concentration of educated people. Many of the politicians in FDD had risen politically on a combination of political interest and particular expertise- for example the medical doctor Mkande Luo or the lawyer Vincent Malambo- and not on the basis of grass roots activity. They lacked a political base. The negative campaigning – a string of big accusations of corrupt activity of Chiluba and other MMD leaders- did them probably most harm. It contrasted with the avoidance of personality issues in the MMD campaign and their accusations backfired. The logical retort among all other parties was that until the third term issue, they were part of the same political elite they now accused as corrupt.¹⁰

¹⁰ It was Mazoka who started following up accusations of theft and corruption with threats to take Chiluba to court. FDD was the biggest source of accusations of theft from people who had closely worked with Chiluba. Former energy minister Edith Nakwakwi accused State House to have been involved in the disappearance of 763 loads of petrol tankers, to the value of 61 billion kwacha. When

There were two other surprises in the elections. UNIP did much better than expected and managed to get hold again of its regional base in the East. Secondly, the Heritage Party of Godfrey Miyanda appeared to be much stronger than expected, especially in the urban areas. Miyanda has a good reputation and drew especially on support from networks in pentecostal churches.

Observers, opposition and the election results.

There are good reasons to consider these election results as a logical consequence of the political configuration in Zambia, December 2001: There was widespread disenchantment with the MMD after ten years of rule resulting in a large majority voting for opposition parties. The opposition was however fragmented and had not managed to make electoral pacts. MMD remained therefore a significant competitor from a base that had shrunk enormously. It has retained however a power base in Bemba speaking areas and in other provinces it had done better than others outside their heartland: second in three and third in two of those. That is a credible profile for a winner in an election.

The events on election day gave also little ground to fears expressed by observer in interim reports. Dominance of government resources and control over the mass media was expected to give MMD a decisive advantage in these elections. That assumed that the Zambian voter was quite malleable. This is difficult to maintain in the light of an overwhelming majority vote for opposition parties. As an editorial in the government owned Times of Zambia (3/1/02) said:

“They (the EU team) claimed rigging started long before the polls through so-called biased media coverage, the involvement of district administrators and use of Government vehicles by Ministers. They made no effort to explain why Mr. Mazoka did so well in Southern and Western Provinces and why the other parties routed the ruling party in Eastern Province if indeed, as they claim, the playing field was not even”.

The EU mission stated after election day that:

“It is never easy to determine the effect of such a consistently unlevelled playing field, but its very existence, and the belief in its efficacy on the part of those promoting it, undermines the concept of a free and fair election” (EU, second interim statement, point 7)

It omitted thus to say that there is no reason to believe that the advantageous position of government appears to give no reason to doubt the validity of the election results.

The setting of the date, 27th of December, was also seen as manipulation of the vote by MMD. Preferably Zambian elections are held in October before the rains make it difficult to reach parts of Zambia. The date now chosen was in the middle of the rainy season as well as in the middle of the year's end festive season –Christmas and New

Nakwakwi called Chiluba a thief, he opened a libel case against her. This was followed by a mass campaign to call Chiluba a thief to make prosecution impossible. FDD's official stance was that no immediate court cases should be opened, but that there would be a truth commission. Godfrey Miyanda of the Heritage Party was the only opposition leader distancing himself from such plans. He considered these intentions counterproductive: it is too difficult to convict people. These threats must have been a factor leading to Chiluba attempting to hang on to power. Although there is now an MMD president, these issues are still a major factor in Zambian politics. Many calls are made for prosecution, also from within the government.

Year- when many people were expected to travel to places where they were not registered as voters.¹¹ However, the turnout was high and only in some instances had rain provided a problem in logistics. The interim report continues to talk about the inconvenience to voters caused by this date and problems in getting election materials to the voters. It does however in this case neither draw the conclusion that the high turnout proves fears about the setting of the election date unfounded.¹²

That political fray has to be understood in the particular context of these elections: the outcome was less certain than in the case of a clear landslide for one party. The latter is usual in Zambia. It is quite normal in Zambian elections that final results are late, as communications can be difficult, but such a delay does not necessarily influence the certainty of the election result. If one party is dominant then one can conclude the winner early on when results come in. In this case, there was a neck to neck race between Mwanawasa and Mazoka: originally Mazoka was marginally ahead and that changed in the last days. The ultimate difference between them was less than one percent or 33,997 votes. It took five days before there was a conclusive result: the election was on Thursday 27th of December 2001 and the result was known on 1st of December 2002. This provided an excellent opportunity for rumourmongers suggesting doctoring the vote. On the Saturday the opposition leaders met and declared to go and see the Chief Justice –the ultimate returning officer for the presidential elections- to express their disquiet about late and selective issuing of results. From then on there was around the Lusaka High Court a tense atmosphere. Opposition leaders were often in and around the building. An injunction was asked for to suspend the election results asking for a recount in the Copperbelt, Northern, Lusaka and Luapula provinces.

An intervention by the EU Chief Election Observer, Michael Meadowcroft, played a major role in this excited political climate. Meadowcroft had had asked his observers to phone in immediately election results. He would use these to predict a result. As he said: "You will be mostly employed close to district headquarters. On the basis of these results we can then predict the results from further outlying areas." Meadowcroft went ahead with this and on Friday night Mazoka was led to believe from information given by Meadowcroft showing a lead of 11% (Mw 24%; Mz 33%). This at the same moment when results from the Electoral Commission started to give Mwanawasa a small lead. Mazoka went berserk and went to the Chairman of the Electoral Commission of Zambia, who told him to await the official result. The latter was in bed and told him to await the official results. Mazoka remained however

¹¹ The discussion about the date was not properly informed. The rainy season in Zambia lasts normally from the beginning of November until the beginning of March. It is however bimodal in nature. There is a period of relatively little rainfall during the Christmas period. The second peak that follows after that is usually much more heavy than the first. Given that several political parties –including MMD- were after the political upheaval earlier in the year not ready and that Chiluba's term had expired, the date was thus not unwisely chosen.

¹² The final statement of the EU mission refers however again to the 55% rate of voter registration. In their 2nd interim statement they had stated: "Essentially a voter registration level of 55% is too low to allay suspicions that the list has not been equally accessible to supporters of government and opposition parties alike" (point 5) This remark is merely suggesting foul play without evidence. FODEP's 2001 Draft Election Monitoring Report points out that registration started late, but that it was commendable that government had started registration afresh instead of relying on the previous register. The previous register was highly contentious and a Supreme Court judgement in a petition suggested as well registering anew. Whether more time would have led to higher registration remains of course a hypothetical question until we know more about the reasons why people do not register

convinced that his victory was stolen from him. On Saturday he called a Press Conference and declared himself to be the winner and accusing the ECZ thereby of rigging. The EU hastened to say that its figures represented only between 11 and 12 per cent of the votes cast.¹³

This incident made Meadowcroft in fact no longer acceptable to MMD as an observer. Their main objection was that this prediction was not given to Mwanawasa. When Mwanawasa was installed on the 2nd of January 2002 he complained bitterly about the behaviour of the EU observation mission. This was not appreciated by the diplomatic corps who all left demonstratively. Also Meadowcroft was totally unapologetic about the incident:

“I didn’t tell him (Mazoka) anything! I gave him the latest printout from our database of polling station results –just as I gave the same figures to many people who came to our offices –together with a “health warning” “that the figures were simply what had come in and were in no sense a scientific sample. I have no idea of what he said thereafter –that was of course up to him. I believe in transparency and am therefore always predisposed to provide as much information as possible. How that information is used is up to the recipients of it”. (Interview with Michael Meadowcroft by Chanda Chisala, Zambia on Line, available on EU website)

Meadowcroft leaves an intention to predict an election result out of his account of events, but that was part of the brief given to the observers.¹⁴ In doing that he showed no awareness of the need for random sampling or of bias creeping in to sampling. Even if he did not give a prediction to Mazoka, then he claims to have been aware that it is in no sense a valid sample that he gave. If an election observer is aware that information is of low quality and if there is reason to expect that it can have important political consequences, then it is irresponsible to spread it. Above all, Meadowcroft considers it within his province to give results and that is questionable. Observers should be concerned with the way the electoral process is conducted; the actual results are a matter for the Electoral Commission. The fundamental interference in the local political process was that Meadowcroft wanted to sit on the chair of the Chairman of the Electoral Commission and by doing so undermined the authority of that institution. Neither his superiors, nor he himself showed any insight in these problems.

Polling day itself was impressive and that is duly noted in observer’s reports:

“The picture reported by our observers is of Zambian citizens turning out in considerable numbers with a determination to vote. Queues were forming at polling stations long before the polls were due to open. The spirit amongst the voters was enthusiastic and peaceful. The polling officials were professional and helpful and the police presence was minimal” (EU 2nd Interim report, point 9).

This is however than followed by a damning comment on the inefficiency of the polling process blaming the planning and management at the national level. The

¹³ ‘Don’t celebrate just yet’ Sunday Times of Zambia, 30/12/01. They also verbatim quote Mazoka “Our own information, even from government circles, indicate categorically that I have won the presidency and the UPND is doing very well in both parliamentary and local government elections”

¹⁴ The recording of the intention to predict is based on my personal observation as short-term electoral observer in the European Union Observer Mission.

observer's missions were not the only ones concerned about the late delivery of election materials, the consequent delay in opening polling stations, the slowness in administering the vote etc. This was especially the case in Lusaka, the capital, and the focus of main interest. The condemnation of these inefficiencies on the part of the electoral commission was universal in Zambian society.

However, the conclusions to be drawn from these observations on the validity of the elections are another matter. That requires in the first place a judgement as to the extent of these problems. None of the observation reports give any account of sampling places and the consequences for representativity. The deployment of such large numbers of observers gave of course the opportunity to give informed guesses based on tallying observations. EU observers were asked to score elections: the highest category was a general approval, followed by a qualified approval that there were imperfections that did not affect the outcome and ending in a category of total rejection. The monitoring reports of the EU do not give an overview of these assessments. The result is that the selection of items for attention is very selective, which does not need to, but can give ample scope for bias.¹⁵ The statements do not show much caution in this regard, see for example this sweeping statement:

“If the situation in some provincial constituencies was bad, in many parts of Lusaka it was chaotic” (EU mission Second Interim statement, point 10)

The observations in the 2nd Interim statement lack a total awareness of the lack of resources that are normal in Zambia, for example:

“A serious problem in a number of polling stations was that placing of the polling booth allowed other in the polling station to see how the elector was voting –or, in one case, to be seen from an outside window” (point 9)

The elections required voters to vote for presidential, parliamentary and local government elections. That required three polling booths and there were elaborate instructions how to place them from the ECZ. Spaces with room for such arrangements are however not available in large parts of Zambia. I witnessed one election in a densely populated squatter compound in Zambia. That was located in a beerhall where there was only one window with sufficient light. One polling booth was installed near the window, as only there was sufficient light. It did not deter people from voting and neither were there people outside the window peeking how people voted. This unrealistic assessment of Zambian situations can also be found in the complaint that:

¹⁵ A comparison of monitor reports on late opening of polling stations shows the difficulty in getting a valid general picture. The 2nd interim statement of the EU says: “Some polling stations were unable to open at all and had to postpone voting until the 28th” There is no indication of recording the number of polling stations observed opening late and how late. The Carter Center Interim Statement writes about “one quarter of the stations we visited opened late”. FODEP gives a listing of extreme cases, for example: “Though polling day was on December 27, 2002, some polling stations had not received ballot boxes and papers three days after the gazetted polling day. Others received ballot papers as late as 16:30 hours on December 27th, 2001. Coalition 2001 is very specific: “Only in 57% of the 4,066 polling stations monitored did balloting commence between 0600 hours and 0700 hours. Seventeen (17) percent of the polling stations started balloting after 10. 00 hours” “It was observed that in only 62% of the monitored polling centres balloting ended as early as 1800 hours. In 7.18% of the polling stations continued after midnight into the next days”. That requires then reasoning as to the possible effect of this. Alas does Coalition 2000 only comment that “Preliminary estimates show that this accounts for between 24 000 to over 200 000 individuals being administratively franchised” Such a margin, given without foundation gives no insights in the possible effects of maladministration.

“In some cases the only light was from candles which was insufficient for the detailed task at hand” (EU 2nd Interim statement, point 9)

When an ECZ official heard that, he exclaimed: “But we have always counted votes by candlelight in Zambia, are therefore all our elections faulty”.

The second interim statement stresses rules single mindedly without taking into consideration that breaking or bending rules may better serve the purposes for which they are made. For example: It took indeed a long time to vote as three elections were held at the same time. The rules of the ECZ spelt out that only one person was allowed to vote at a time, probably to guarantee privacy. In polling stations where polling progressed well, the presiding officer usually ignored this rule without any obvious consequences for a lack of privacy. If election materials are delivered late, it is sensible to keep the polling stations open after official closing time. On the Copperbelt there were mineworkers coming off shift after closing of the polls and who had not had the time to queue in the morning. Justice may then be better served by allowing them to vote than sticking to the rules. Major sources of delay were also the rules concerning spoilt ballots. For example: When ballot boxes are returned from the polling stations to the tabulation centres, the returning officer is required to check first all the spoilt ballots. That was ignored in Bwacha constituency and with good reason. Monitors already checked the spoilt ballots at the polling station. At the tabulation centre there was the opportunity was given to question the spoilt ballots and tabulation proceeded forthwith if nobody objected.

The reporting of the EU observer mission contained therefore an extraordinary amount of interpretation, which –except for the motivation of the participants–was consistently drawn to a negative image. This statement was made before the Electoral Commission announced the official results and it fuelled therefore the agitation among the opposition parties about the results. It is thus not surprising that this drew criticism, especially in the government owned Press. In a Times of Zambia interview, the Chief Electoral Observer, Michael Meadowcroft, made some conciliatory noises: he had not used the word rigging and did not want to accuse ECZ of intentions to defraud the elections. Of course, the elections in Zambia were not so bad as compared to in neighbouring countries.¹⁶

The final statement of the EU observer mission was however more damning than any before.¹⁷ Previous statements had suggested that the question had to be asked whether the anomalies found affected the final result. In the final report that question was squarely put and the conclusion was as stated above: “we are not confident that the results represent the wishes of the Zambian electors on polling day.” The major reason for that were genuine anomalies in the published electoral results. The major ones were:

“First twenty-two constituencies show a difference of 900 votes or more between the turnout for the Presidential and Parliamentary elections”

“Second, in 83 of the 150 constituencies no invalid ballots whatsoever are shown for either the Presidential or Parliamentary election in the

¹⁶ Times of Zambia 10/1/02 as posted on allAfrica.com.

¹⁷ A similar pattern can be found in the reporting of the Carter Center. Their interim statement was milder than that of the European Union, but their final statement was bitter. In between they released a press result that inconsistencies in election results could not be said to have benefited one particular party.

constituencies, or for both. It is of particular concern that 55 constituencies show invalid ballots for the parliamentary election but not for the presidential.” (EU final statement, point 5)

This is a serious finding as it can indicate doctoring of results, especially in the presidential election which was a tight race.

Nevertheless, important qualifications have to be made as to the pretensions of the statement by the EU. They conclude that in the first case:

“The number of votes involved in these seats alone is almost 50.000, whereas the published majority for Mr. Mwanawasa is 34,000”.

That is dangerous reckoning, because it assumes that 34.001 of those voters would have voted for Mr. Mazoka. That means 68% of the votes cast for Mr. Mazoka. Such high scores for Mazoka can only be found in Southern Province. Mazoka scored poorly in many other provinces. The anomaly found is thus only likely to be consequential if one doubts the general pattern of the electoral behaviour shown in the published results.

In the second case the EU mission states that:

“We note that where they are shown, invalid ballots average approximately 2% of the total”

Again, one can question whether this found discrepancy invalidates prima facie the result. Mwanawasa had according to official results a 2.42% lead over Mazoka. If all invalid ballots in the 83 constituencies would have wrongly been accredited to Mwanawasa, then it is unlikely that it would have affected fatally the lead of Mwanawasa. The lack of insight in the result shows also from the statement that the contest between Mr. Mwanawasa and Mr. Mazoka was extremely close “on average less than 250 votes per constituency” (point 4 in EU Final Statement) Such an average is quite meaningless, given the large regional variations in the vote.

Of course one can question whether to believe all results given the anomalies found, especially as there are more individual anomalous cases apart from these general ones. To avoid that conclusion, the monitoring missions have asked the ECZ to give openness of their material: recount and retabulate so that these anomalies are rectified. The EU mission is especially insisting on releasing voting figures from each polling station.¹⁸ ECZ refuses to do so and the reason for that is obvious. The authority to accept an election result is with the Chief Justice. The Chief Justice has waited until an injunction was heard by the High Court from the opposition parties to uphold the result until their complaints had been attended to: a recount in four provinces. The High Court Judge, decided that the matters brought to him were a matter for petitions to be brought to the Court after the elections.¹⁹ The Chief Justice then duly presented the election result. Observer missions do not see that by insisting on their asking a revision of tabulation procedures they are encroaching on the Zambian judiciary’s competence.

¹⁸ It has to be noted here that the EU statement is in this respect mild as compared to the Carter Center in its final statement. The EU mission wrote for example “The ECZ has published a number of minor revisions of the published results but has not explained the nature of the errors leading to these revisions. Nor has it addressed the more significant concerns about the figures, some of which are detailed below” (point 4). Whereas the Carter Center orders the ECZ around more explicitly: “Unless and until the ECZ provides clear evidence about the accuracy of official results, the Center believes the legitimacy of the entire electoral process will remain open to question. ”

¹⁹ It may be worth noting that this High Court Judge was Peter Chitengi who has a record of independent judgements in political cases

The monitoring groups do not note the most striking aspect of this state of affairs at all: why did the monitors not note the tabulation errors. Monitors could collect election results from several polling stations. They could then go to the tabulation centres to see how these were tabulated. The interim statements did not note anything about a lack of recording of invalid votes. Their reports must be somewhere and that should give the material to give an alternative vision of that reported by the ECZ. The monitors are turning the duty of evidence. They ask the ECZ to give them the evidence their monitors should have collected. Consequently they admit their incompetence.

Again, interpretation of results and situations play a major role in election observation. That is especially the case with respect to the opposition. Mazoka claimed victory before official results granted his that. He asked on that occasion as well for security forces to protect the Constitution. That amounts to calling for a coup. None of the observer missions comment on this behaviour endangering a free and fair electoral process. In the period up to the declaration of the election results, crowds of Mazoka supporters were forming outside the High Court. After the result was declared these went on the rampage in Lusaka. Mazoka did not condemn that. On the contrary he promised those arrested legal assistance. Such matters are also valid concerns for election observers and lead to a different interpretation.

Conclusion.

President Levy Mwanawasa of Zambia met Dr. Jochen Krebs, the EU head of delegation in Zambia on the 20th of February 2002 and an amicable press communiqué was the result. Both parties had not changed their position: the EU supported the Meadowcroft report and Mwanawasa said that he would accept the verdict of the courts on the petitions. The EU offered support to improve the electoral system. Above all the EU was ready and eager to disburse Balance of Payment support withheld last year.²⁰ All the commotion around the observer mission seems therefore not to be particularly consequential. The designation of Mwanawasa as the winner of the election is not an obstacle to accept Zambia as a respectable member of the international community and neither is it a reason to stop flows of aid.

It is doubtful whether EU circles realise that it could have been very different and that their intervention in Zambian politics could have resulted in quite different outcomes. This bitter comment from the government owned Times of Zambia makes this explicit:

”The European monitors should therefore be treated with the contempt they deserve because apart from bringing about confusion, their conduct could have plunged Zambia *in bloodshed*. In the interest of the Zambian people that Mr. Mazoka has so often said he wants to serve as president, it would be good for him to admit that he had been misled and in turn misled his supporters”.

There has been one day of fierce rioting by Mr. Mazoka’s supporters and Mwanawasa refused to meet Mazoka unless he condemned this. In the meantime Mazoka has visited Mwanawasa. The latter’s party does not have a majority in parliament and that

²⁰ ‘EU ready help out on electoral system flaws’, Times of Zambia, posted on allAfrica.com

party is internally divided. Mwanaswasa needs to build a coalition and the strongly held values of consensus politics make him strive for a maximum coalition.

That does not diminish the harm that has been done to Zambia's reputation, especially as the remarks from the EU observation mission's reports have been amplified in the press. The South African Press Association posted for example on the web that EU Chief Election Observer Meadowcroft said about the elections: "They do not reflect the voting wishes of the Zambian people". Meadowcroft can reply that this was not in the final statement, but it is not surprising that people conclude this from his wording. The same Press report says that: "A huge chunk of the elections were funded by the EU, which contributed US\$12 million".²¹ That is not true: Firstly, much of this EU money was not directly financing the elections but supporting so called civil society: the NGO's involved in civil education, monitoring etc. Secondly, the overwhelming amount of money for the election came from own resources. Zambia is one of the few countries in Africa that do not go cap in hand to donors to finance an election. Zambia has also a better democratic tradition than many other countries in Africa. It is therefore a pity that long term harm has been done by creating resentment against the European democratic community as well as that the self confidence of Zambia as a democratic nation undermined. That are the result to be feared from the interpretative effort in the EU election observation, which was sometimes to the point, but often inane but always condescending towards the Zambian government.

The most worrying aspect of the whole exercise is the lack of concern about Zambian sovereignty. This finds its apogee in a lack of respect for the decision of the Chief Justice to recognise the election of Mwanawasa and insensitivity to the danger encroach on the competence of the judiciary by re-examining tabulation after results have been declared. The cause of good governance in Africa would benefit from healthy self-criticism on the part of the donors and a conscientious address on their part to concerns of African governments about their role.

²¹ ' EU Observer mission declares December Polls illegitimate' South African Press Association, posted on allAfrica.com 6/2/02